

## HOUSE BILL NO. 332

INTRODUCED BY R. DALE, TASH, COCCHIARELLA, G. FORRESTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE INSPECTION PROVISIONS OF THE MONTANA UNDERGROUND STORAGE TANK ACT; AMENDING SECTION 75-11-509, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-11-509, MCA, is amended to read:

**"75-11-509. Inspections -- permits.** (1) The owner or operator of an underground storage tank must have the tank inspected for compliance with this part by January 1, 2002, and at least once every 3 years thereafter by an inspector who is licensed pursuant to Title 75, chapter 11, part 2, to perform underground storage tank inspections. The inspector may not be:

(a) the owner or operator of the tank;

(b) an employee of the owner or operator; or

(c) for the first inspection required by this subsection (1) and for a period of 3 years after the installation or modification of the tank was completed;

~~—— (i) the installer who installed or modified the tank and whose name or signature was on the permit required by 75-11-212;~~

~~—— (ii) an employee of the installer who installed or modified the tank;~~

~~—— (iii) an employee of the person whose employee installed or modified the tank; or~~

~~—— (iv) if the person that installed or modified the tank through an installer employee is a corporation or other artificial person, a person that owns or is owned by that artificial person.~~

(2) The department shall by rule provide requirements for the scope and timing of inspections.

(3) The inspector shall provide the owner or operator with an inspection report that meets the requirements of rules adopted by the department to ensure compliance with this part and rules adopted pursuant to this part.

(4) The owner or operator shall retain the original inspection report and mail a copy to the department.

1 (5) If the inspection report indicates violations, the owner or operator shall correct the violations  
2 and obtain a followup inspection. Followup inspection reports must be provided to the owner or operator  
3 and to the department.

4 (6) A person may not place a regulated substance in an underground storage tank unless the  
5 owner or operator has been issued a valid permit from the department for the tank. Permits must be issued  
6 for a term of 3 years. The department may not issue or renew a permit unless the owner or operator has  
7 filed with the department an inspection report by a licensed inspector who certifies that the operation and  
8 maintenance of the tank was in compliance with this part and rules adopted pursuant to this part on the  
9 date of inspection."

10  
11 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

12 - END -